

REMARKS/ARGUMENTS

Claims 10, 16, 51-56 and 74-78, all readable on the elected species of Figs. 39 and 40, are pending in the application. Claims 1-9, 11-15, 17-50 and 57-73 have been cancelled.

Claims 51-55 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,079,838; claims 1-31 of U.S. Patent No. 6,755,547; claims 1-27 of U.S. Patent No. 6,749,312 and claims 1-42 of U.S. Patent No. 6,712,481. According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other because the applicants merely use slightly different claim language to claim the same invention.

Terminal disclaimers in compliance with 37 CFR 1.321(c) are filed herewith to overcome the alleged non-statutory double patenting rejections based on U.S. Patents 6,749,312 and 6,712,481.

However, the basis for the non-statutory double patenting rejection based on the claims of U.S. Patents 6,079,838 and 6,755,547 is not understood, since none of the claims of these two patents claim the same invention recited in claims 51-55 of the present application, including particularly a light emitting panel assembly having at least one light source optically coupled to a portion of the width of the input edge of a light emitting panel member, and a pattern of individual light extracting deformities on or in at least one panel surface of the panel member, wherein a majority of the deformities at different locations across the width and length of the panel surface have at least one

light extracting surface that is angled at different orientations relative to the input edge depending on the location of the deformities on the panel surface to face the portion of the input edge to which the light source is optically coupled. Accordingly, withdrawal of this obviousness-type double patenting rejection based on the claims of U.S. Patents 6,079,838 and 6,755,547 is respectfully requested.

Claims 51-55 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patents 6,079,838, 6,755,547, 6,749,312 and 6,712,481. Admittedly U.S. Patent 6,079,838 constitutes prior art against the claimed invention of the present application under 35 U.S.C. § 102(e). However, nowhere does U.S. Patent 6,079,838 disclose a light emitting panel assembly having at least one light source optically coupled to a portion of the width of the input edge of a light emitting panel member, and a plurality of individual light extracting deformities on or in at least one panel surface of the panel member, wherein the majority of the deformities at different locations across the width and length of the panel surface have at least one light extracting surface that is angled at different orientations relative to the input edge depending on the location of the deformities on the panel surface to face the portion of the input edge to which the light source is optically coupled as recited in claims 51-55. Accordingly, claims 51-55 clearly patentably distinguish over U.S. Patent 6,079,838.

U.S. Patents 6,755,547, 6,712,481 and 6,749,312 also constitute prior art against the claimed invention of the present application under 35 U.S.C. § 102(e) to the extent their disclosures are the same as U.S. Patent 6,079,838. However, claims 51-55 of the

present application clearly patentably distinguish over these disclosures for the reasons previously discussed.

To the extent that the disclosures of U.S. Patents 6,755,547, 6,712,481 and 6,749,312 differ from the disclosure of U.S. Patent 6,079,838, they are entitled to the same priority date of February 23, 1999 as claims 51-55 of the present application. Therefore, any disclosures in U.S. Patents 6,755,547, 6,712,481 and 6,749,312 that are different from the disclosure of U.S. Patent 6,079,838 do not constitute prior art against claims 51-55 of the present application under 35 U.S.C. § 102(e). Accordingly, withdrawal of the rejection of claims 51-55 under 35 U.S.C. § 102(e) is respectfully requested.

Claims 51-56 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of co-pending Application No. 10/324,882 and claims 1-20 of co-pending Application No. 10/324,880. According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other because the present application merely uses slightly different claim language to claim the same invention. However, Application No. 10/324,882 was abandoned on July 12, 2005. Accordingly, withdrawal of this provisional obviousness-type double patenting rejection based on this application is respectfully requested.

Moreover, a provisional terminal disclaimer in compliance with 37 CFR 1.321(c) is filed herewith to overcome the alleged provisional obviousness-type double patenting rejection based on Application No. 10/324,880.

Claims 51-56 are provisionally rejected under 35 U.S.C. § 102(e) as being anticipated by Application Nos. 10/324,880 and 10/324,882.

To the extent that the disclosures of these two applications are the same as U.S. Patent 6,079,838, they constitute prior art against claims 51-56 of the present application under 35 U.S.C. § 102(e). However, claims 51-56 of the present application clearly patentably distinguish over these disclosures for the reasons previously discussed.

To the extent that the disclosures of these two applications differ from the disclosure of U.S. Patent 6,079,838, they are entitled to the same priority date of February 23, 1999 as claims 51-56 of the present application. Therefore, any disclosures contained in these two applications that are different from the disclosure of U.S. Patent 6,079,838 do not constitute prior art against claims 51-56 of the present application under 35 U.S.C. § 102(e). Accordingly, withdrawal of the provisional rejection of claims 51-56 based on these two applications under 35 U.S.C. § 102(e) is respectfully requested.

Claims 10, 16, 51 and 53-55 are rejected under 35 U.S.C. § 102(b) as being anticipated by Albinger, Jr. (U.S. Patent 3,043,947). According to the Examiner, at least some of the deformities 10 at different locations on the panel surface of Albinger, Jr. have at least one light extracting surface that is angled at different orientations relative to the input edge depending on the location of the deformities on the panel surface to face the portion of the input edge to which the light source is optically coupled. Applicants disagree, in that the deformities of Albinger, Jr. are semi-spherical

depressions which intercept the light as it passes through the lens plate and reflect this light at various angles mostly toward the rear surface of the lens body 1 (column 2, lines 56-60). In no event do a majority of the deformities at different locations across the width and length of the panel surface of Albinger, Jr. have at least one light extracting surface that is angled at different orientations relative to the input edge depending on the location of the deformities on the panel surface to face the portion of the input edge to which the light source is optically coupled as recited in claim 51. Accordingly, claim 51 is submitted as clearly allowable.

Claims 10, 16 and 53-55 depend from claim 1 and are submitted as allowable for substantially the same reasons. Moreover, claim 10 further patentably distinguishes over Albinger, Jr. by reciting that the majority of the deformities are arranged in radial rows in a radial pattern across the width and length of the panel surface with the light extracting surface of the deformities in each radial row in radial alignment with the portion of the input edge to which the light source is optically coupled. In Albinger, Jr., the semi-spherical depressions 10 are arranged in a circular pattern around the lens plate 1, not in radial rows in a radial pattern with the light extracting surface of the deformities in each radial row in radial alignment with the portion of the input edge to which the light source is optically coupled.

Claims 55 and 16 further patentably distinguish over Albinger, Jr. by reciting a plurality of light sources optically coupled to different portions of the width of the input edge, and at least one light extracting surface of different ones of the majority of the deformities at different locations across the width of the panel surface is angled at

different orientations relative to the input edge to face different portions of the input edge to which the different light sources are optically coupled. In Albinger, Jr., a single light source 8 is optically coupled to the input edge. Also, the semi-spherical depressions of Albinger, Jr. are arranged in a circular pattern around the lens plate 1 and thus different ones do not have at least one light extracting surface at different locations across the width of the panel surface angled at different orientations relative to the input edge to face different portions of the input edge to which the different light sources are optically coupled as recited in claims 55 and 16. Nor are a majority of the deformities of Albinger, Jr. arranged in radial rows in a radial pattern with the light extracting surface of the deformities in each radial row in radial alignment with different portions of the input edge to which the different light sources are optically coupled as further recited in claim 16.

Claims 51 and 53-55 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yoshikawa et al (U.S. Patent 5,775,791) or Ishikawa et al (U.S. Patents 5,971,559 or 5,779,338). However, all of the projecting portions 31 of Yoshikawa are either round with flat circular vertex surfaces as shown in Figs. 2-4 (column 2, lines 58-67), circular cones 33 as shown in Fig. 5 (column 4, lines 33-39) or circular conical projecting portions 34 or 35 with flat vertical portions or curved vertical portions as shown in Figs. 6A and 6B (column 5, lines 8-12). Also in Ishikawa et al ('559 or '338) the deformities are conical or polygonal pyramid-shaped concave portions 5, which may have tops 5a directed toward linear light sources 2 at opposite edge surfaces 1a and 1d as shown in Figs. 14-17 (column 7, lines 30-30 of '559). In none of these references do a majority of

the deformities at different locations across the width and length of the panel surface have at least one light extracting surface that is angled at different orientations relative to the input edge depending on the location of the deformities on the panel surface to face the portion of the input edge to which the light source is optically coupled as recited in claims 51 and 53-55. Moreover, while Fig. 2 of Yoshikawa et al shows a plurality of light sources optically coupled to different portions of the width of the input edge, different ones of the circular conical projecting portions or circular cones of Yoshikawa et al do not have at least one light extracting surface that is angled at different orientations relative to the input edge to face different portions of the input edge to which the different light sources are optically coupled as recited in claim 55. Accordingly, claims 51 and 53-55 are submitted as clearly allowable over these references.

Claims 52 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albinger, Jr. or Ishikawa et al '559 or '338 or Yoshikawa et al in view of Pristash et al (U.S. Patent 5,005,108). According to the Examiner, it would have been obvious to substitute an LED or LEDs as taught by Pristash et al for the light source of Albinger, Jr. or Ishikawa et al '559 or '338 in order to provide a more efficient longer lasting low voltage light source. However, claim 52 depends from claim 51 and claim 56 depends from claim 55 and are submitted as allowable for substantially the same reasons.

New claims 74-78 depend from claim 51 and further patentably distinguish over the cited references, claim 74 by reciting that substantially all of the deformities across the width and length of the panel member have at least the one light extracting surface


that is oriented to face the portion of the input edge to which the light source is optically coupled, and claims 75-78 by reciting that the deformities have two or more intersecting surfaces that intersect the panel surface and intersect each other, and at least one of the intersecting surfaces of the deformities comprises the light extracting surface that is oriented to face the portion of the input edge to which the light source is optically coupled. In addition, claims 76-78 recite that the intersection of the intersecting surfaces of the deformities form a ridge.

For the foregoing reasons, this application is now believed to be in condition for final allowance of all of the pending claims 10, 16, 51-56 and 74-78, and early action to that end is earnestly solicited. Should the Examiner disagree with applicants' attorney in any respect, it is respectfully requested that the Examiner telephone applicants' attorney in an effort to resolve such differences.

In the event that an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time and/or for the presentation of new and/or amended claims. In the event any additional fees are due in connection with the filing of this Reply, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Attorney Docket GLOLP0108USF).

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 
Donald L. Otto
Registration No. 22,125

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115-2191
Phone: 216-621-1113
Fax: 216-621-6165

Z:\SEC177\GLOL\IP108USF\REPLY TO OA OF 9-27-05.doc